

Serial No. 10/053667

Attorney Docket No. 11-078

REMARKS

In part 12 of the Office Action Summary, none of the boxes are checked. However, the applicant filed a certified copy of the priority document on 24 January 2002, as indicated on the filing transmittal for this application. Therefore, the applicant respectfully requests acknowledgement of the claim for priority under section 119 and notice that the certified copy of the priority document has been received.

Claims 18-27 are pending. Claims 1-17 have been canceled. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1-20 were rejected under 35 USC 102(b) as being anticipated by Torii *et al.* (US 5,761,308). Although the rejection states that 20 claims are rejected, only claims 1-17 existed in the application. Therefore, the applicants believe that the examiner intended to reject claims 1-17 on these grounds. Claims 1-17 have been canceled and thus will not be discussed.

As a result of the present invention, it is not necessary for an information vendor to monitor whether an information package has been installed in an information consuming device, and a user can start to use the information package without communicating with the information vendor if the user bought the information package. Further, after the user has started to use the information package, if a part or parts of the information package are unused, the user can accept a refund payment for the unused information.

Torii *et al.* (US 5,761,308) discloses a system for refunding payment for software applied to a system for distributing software such as a computer programs and video materials. The system is for distributing software and includes a user terminal and a center.

Serial No. 10/053667

Attorney Docket No. 11-078

In the system for refunding payment for software, at first the software is supplied to the user in an encrypted form. Then, the center provides a user terminal with decrypting information on the condition that a user pays for the software. After this, the user terminal decrypts the encrypted software by using the decrypting information to install the software.

The user terminal monitors the installation state of the software and records an installation history such as the installation start information, which indicates that the installation operation of the software was started. If the user terminal sends a refund request to the center when the user has never used the software, the center analyzes the installation history, which is supplied in response to the refund request. Therefore, the Torii *et al.* patent fails to disclose at least the identifying means of claim 18 and the identifying step of claim 24 and lacks the advantages described above. Therefore, claims 18-27 are considered to be patentable over the patent to Torii *et al.*

Claim 6 was rejected under 35 USC 103(a) as being unpatentable over Torii *et al.* in view of Barber (US 6,349,288). Claim 6 has been canceled and thus will not be discussed specifically. The Barber patent is discussed below.

The patent to Barber (US 6,349,388) discloses a highly distributed architecture allowing refundable purchase access to pay-per-view information over a network. In the architecture of Barber, there are four kind of servers. These servers operate independently but are cooperative in both the payment for access to pay-per-view information as well as in refunding payment when a customer is dissatisfied. In this case, the customer can request a refund for payment after the customer accesses the information but is not satisfied with the information. Thus, Barber fails to teach or suggest the features of claims 18 and 24 and their dependents.

Serial No. 10/053667

Attorney Docket No. 11-078

Claims 8 and 14 were rejected under 35 USC 103(a) as being unpatentable over Torii *et al.* in view of the background section of the application. Claims 8 and 14 have been canceled and thus will not be discussed.

Claims 9 and 10 were rejected under 35 USC 103(a) as being unpatentable over Torii *et al.* in view of Barber and the background section of the application. Claims 9 and 10 have been canceled and thus will not be discussed.

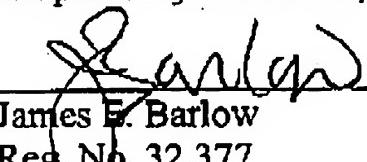
Claims 4, 5, 7, 11, and 15 were rejected under 35 USC 103(a) as being unpatentable over Torii *et al.* in view of official notice. Claims 4, 5, 7, 11, and 15 have been canceled and thus will not be discussed.

Claims 12 and 13 were rejected under 35 USC 103(a) as being unpatentable over Torii *et al.* in view of the background section of this application and official notice. Claims 12 and 13 have been canceled and thus will not be discussed.

In view of the foregoing, the applicant submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,


James E. Barlow
Reg. No. 32,377

Posz Law Group, PLC
12040 South Lakes Drive, Suite 101
Reston, VA 20191
Phone 703-707-9110
Fax 703-707-9112
Customer No. 23400